

February 8, 2001

MEMORANDUM TO: Donald A. Cool, Director  
Division of Industrial and Medical  
Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

FROM: E. William Brach, Director **/RA/ original signed by /s/**  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: REQUEST FOR RULEMAKING TO AMEND CERTIFICATE OF  
COMPLIANCE NO. 1004 FOR THE STANDARDIZED  
NUHOMS®-24P AND -52B (AMENDMENT NO. 3 —ADDING THE  
-61BT DRY STORAGE CANISTER)

I am requesting that the Division of Industrial and Medical Nuclear Safety (IMNS) complete the rulemaking actions necessary to amend Certificate of Compliance (CoC) No. 1004 for the Transnuclear West, Inc. Standardized NUHOMS®-24P and -52B dry storage system. On July 15, 2000, and as supplemented on September 1, 2000, Transnuclear West submitted an application and associated Safety Analysis Report (SAR) to amend CoC No. 1004 to add a new dry storage canister type (i.e., the -61BT) to the Standardized NUHOMS® design. Transnuclear West intends that the NUHOMS®-61BT DSC cask design can be used as a dual purpose storage and transportation cask. Second, a conforming change would be made to Technical Specification (TS) 1.2.1, "Fuel Specifications," to add additional fuel parameters (e.g., higher enrichments) and damaged fuel.

Additionally, the Nuclear Regulatory Commission (NRC) on its own initiative is removing CoC Condition Nos. 9, 10, and 11. Condition Nos. 9 and 11 have been superseded by a change to 10 CFR 72.48 (see 64 FR 53582; October 4, 1999) which permits certificate holders to make certain changes to a cask design, without prior NRC approval. Condition No. 10 has been superseded by the new 10 CFR 72.248 (same October 4, 1999 rulemaking) which requires a certificate holder to periodically update the final safety analysis report (FSAR) associated with the cask design. This update must include any changes to the cask design made under the provisions of 10 CFR 72.48. The change to 10 CFR 72.48 will become effective on April 5, 2001, and the addition of 10 CFR 72.248 was effective on February 1, 2000. Consequently, Amendment No. 3 should not be effective until after April 5, 2001. Finally, existing Condition No. 12 would be redesignated as Condition No. 6 with no change to the text of the condition.

CONTACTS: Philip G. Brochman, NMSS/SFPO  
(301) 415-8592

Timothy J. Kobetz, NMSS/SFPO  
(301) 415-8538

Condition Nos. 6, 7, and 8 are currently unused. I have attached proposed language for the Federal Register notice on the revision to 10 CFR 72.214 and supporting information.

We have reviewed the associated SAR in accordance with 10 CFR 72.246 and concluded that issuance of this amendment is warranted. We will provide a proposed Amendment No. 3 to CoC No. 1004 and preliminary Safety Evaluation Report to IMNS by March 30, 2001, for your inclusion in the proposed rule package. I am requesting that this amendment be issued via the direct final rulemaking process. The schedule for this rulemaking should be consistent with the generic schedule for CoC rulemakings previously discussed between our staffs.

For billing purposes, I am requesting that IMNS obtain a TAC number under PA Code 221AHA for recording staff time expended on this rulemaking. Please provide this information and your schedule for completing this rulemaking to the Spent Fuel Project Office within 21 days from the date of this memorandum.

Docket No. 72-1004

Attachment: Information for the Federal Register Notice

## INFORMATION FOR THE FEDERAL REGISTER NOTICE

### 1. Proposed Change to § 72.214:

★                      ★                      ★                      ★                      ★  
Certificate Number: 1004  
Initial Certificate Effective Date: January 23, 1995.  
Amendment No. 1 Effective Date: April 27, 2000.  
Amendment No. 2 Effective Date: September 5, 2000.  
Amendment No. 3 Effective Date: **[Insert 75 days from the date of the Final Rule]**  
SAR Submitted by: Transnuclear West, Inc.  
SAR Title: Final Safety Analysis Report for the Standardized NUHOMS® Horizontal Modular  
Storage System for Irradiated Nuclear Fuel  
Docket Number: 72-1004  
Certificate Expiration Date: January 23, 2015  
Model Numbers: Standardized NUHOMS®-24P, NUHOMS®-52B, and NUHOMS®-61BT  
★                      ★                      ★                      ★                      ★

### 2. Purpose of the Amendment

This amendment to the Standardized NUHOMS® Storage System would add the -61BT dry storage canister (DSC) to the spent fuel storage cask design. The -61BT DSC is the storage portion of a dual purpose cask design intended to both store and transport spent fuel. Second, a conforming change would be made to Technical Specification (TS) 1.2.1, "Fuel Specifications," to add additional fuel parameters (e.g., higher enrichment) and damaged fuel.

Additionally, the Nuclear Regulatory Commission (NRC) on its own initiative is removing CoC Condition Nos. 9, 10, and 11. Condition Nos. 9 and 11 have been superseded by a change to 10 CFR 72.48 (see 64 FR 53582; October 4, 1999) which permits certificate holders to make certain changes to a cask design, without prior NRC approval. Condition No. 10 has been superseded by the new 10 CFR 72.248 (same October 4, 1999 rulemaking) which requires a certificate holder to periodically update the final safety analysis report (FSAR) associated with the cask design. This update must include any changes to the cask design made under the provisions of 10 CFR 72.48. The change to 10 CFR 72.48 will become effective on April 5, 2001, and the addition of 10 CFR 72.248 was effective on February 1, 2000. Removal of Condition Nos. 9, 10, and 11 will remove confusion for users of the Standardized NUHOMS® Storage System between compliance with the CoC and Part 72 regulations. Finally, existing Condition No. 12 would be redesignated as new Condition No. 6 with no change to the text of the condition. The NRC notes that existing Condition Nos. 6, 7, and 8 are currently unused.

Condition Nos. 6, 7, and 8 are currently unused. I have attached proposed language for the Federal Register notice on the revision to 10 CFR 72.214 and supporting information.

We have reviewed the associated SAR in accordance with 10 CFR 72.246 and concluded that issuance of this amendment is warranted. We will provide a proposed Amendment No. 3 to CoC No. 1004 and preliminary Safety Evaluation Report to IMNS by March 30, 2001, for your inclusion in the proposed rule package. I am requesting that this amendment be issued via the direct final rulemaking process. The schedule for this rulemaking should be consistent with the generic schedule for CoC rulemakings previously discussed between our staffs.

For billing purposes, I am requesting that IMNS obtain a TAC number under PA Code 221AHA for recording staff time expended on this rulemaking. Please provide this information and your schedule for completing this rulemaking to the Spent Fuel Project Office within 21 days from the date of this memorandum.

Docket No. 72-1004

Attachment: Information for the Federal Register Notice

Distribution:

NRC f/c	PUBLIC	DOCKET	SFPO r/f	NMSS r/f	PHolahan
AHowe	ADiPalo	NJensen	KLong		

ADAMS Accession # ML010310372

\*See previous concurrence

<b>OFC:</b>	TSSI	E	SFL	E	SFL	E2	TSSI	E	DD:SLID	E	D:SFPO	E
<b>NAME:</b>	PBrochman *		TKobetz *		EZiegler *		MTokar		SShankman		EWBrach	
<b>DATE:</b>	02/05/01		02/06/01		02/06/01		02/08/01		02/08/01		02/08/01	

**OFFICIAL RECORD COPY**